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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,515	09/28/2006	Robin Polt	295123US96PCT	1817

22850 7590 10/29/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

RUSSEL, JEFFREY E

ART UNIT	PAPER NUMBER
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1654

NOTIFICATION DATE	DELIVERY MODE
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10/29/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/594,515	Applicant(s) POLT ET AL.	
	Examiner Jeffrey E. Russel	Art Unit 1654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38-40 and 42-66 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 41 and 67-69 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The election of species requirement set forth in the Office action mailed August 19, 2008 is withdrawn with respect to instant claims 38-69. Instant claims 38-69 have been examined in their entirety on the merits.

2. This application is in condition for allowance except for the following formal matters:

(A) The abstract of the disclosure as amended on July 15, 2009, is objected to because it is insufficiently detailed as to the utilities of the amphipathic glycopeptides. It is suggested that the utility statement from the original abstract could be added to the amended abstract, with the appropriate spelling correction. Correction is required. See MPEP § 608.01(b).

(B) The disclosure is objected to because of the following informalities: The Brief Description of Figures 2 and 3 at pages 4-5 of the specification indicates that these are color drawings. Note the use of the descriptors “red”, “blue”, “gray”, and “color scheme”. Because the application was not filed with color drawings, the Brief Description needs to be revised to omit references to colors. Alternatively, if Applicants do intend for color drawings to be present and to be printed with any patent which may issue based upon this application, compliance with 37 CFR 1.84(a)(2) is required. At page 11, line 26, “dimyristoylphosphatidylcholine” is misspelled. Appropriate correction is required.

(C) Claims 41 and 67-69 are objected to because of the following informalities: At claim 41, line 2, “pA” should be changed to “βA”. At claim 67, line 2, “of” should be inserted before “Claim 38”. At claim 68, line 2, and claim 69, line 3, “glycopeptides” should be changed to “glycopeptide”. At claim 69, line 2, “and” should be changed to “or” in order to avoid the implication that all of the listed diseases must be treated simultaneously. Appropriate correction is required.

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Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

3. Applicant's arguments filed July 15, 2009 have been fully considered.

Applicants did not respond to the objection to the disclosure set forth in section 4 of the Office action mailed January 15, 2009 and repeated in section 2(B) above.

The Katz-type declaration under 37 CFR 1.132 by Polt et al filed July 15, 2009 is sufficient to show that the Eggleton et al article (Tetrahedron: Asymmetry, Vol. 16, pages 65-75) is not "by others" and therefore is not available as prior art against the instant claims under 35 U.S.C. 102(a). Accordingly, the anticipation rejection set forth in section 14 of the Office action mailed January 15, 2009 is withdrawn.

4. Claims 38-40 and 42-66 are allowed. Claims 41 and 67-69 would be allowable if rewritten or amended to overcome the claim objections set forth in this Office action.

The Dhanasekaran et al article (J. Am. Chem. Soc., Vol. 127, pages 5435-5448) is cited as art of interest, teaching Glycopeptides 9-12 (see page 5438, Table 1) which are identical to Glycopeptides 9-12 exemplified at page 15, Table 1, of Applicants' specification. However, the pending claims require the C-terminal helical address sequence to have a length of nine amino acids, whereas Glycopeptides 9-12 comprise a C-terminal helical address sequence which is NLBEKALKS*L and has a length of 10 amino acids. Note that page 31, Table 4, of Applicants' specification confirms that Glycopeptides 9-12 comprise a C-terminal helical address sequence which has a length of 10 amino acids. Accordingly, Glycopeptides 9-12 of the Dhanasekaran et

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al article are not encompassed within the scope of Applicants' claims, and do not anticipate or render obvious Applicants' claimed glycopeptides.

For analogous reasons, the Polt et al abstract (Abstracts of Papers, 227th ACS National Meeting, ORGN-278) and the Egleton et al abstract (FASEB J., Vol. 19, No. 4, Suppl. S, Part 1, page A510, Abstract 310.7) are cited as art of interest, but are not deemed to anticipate or render obvious Applicants' claimed glycopeptides.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:30 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Cecilia Tsang can be reached at (571) 272-0562. The fax number for formal communications to be entered into the record is (571) 273-8300; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffrey E. Russel/
Primary Examiner, Art Unit 1654

JRussel
October 27, 2009